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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,842	01/13/2004	Agenor Krygler	RW-151	1414
7590 Friedrich Kueffner Suite 910 317 Madison Avenue New York, NY 10017				
EXAMINER FISHER, MICHAEL J				
ART UNIT		PAPER NUMBER		
3689				
MAIL DATE		DELIVERY MODE		
05/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/756,842

Applicant(s)

KRYGLER ET AL.

Examiner

MICHAEL J. FISHER

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/13/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s) Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s) Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4,5 are rejected under 35 U.S.C. 102(e) as being anticipated by US PAT 6,505,774 to Fulcher et al. (Fulcher).

As to claim 1, Fulcher discloses a parking meter (fig 1), for indicating a paid parking time (on the ticket) and with a central control device (512), for a plurality of spaces (col 4, lines 41-43 show an example of this), a selection device for selecting a time (704, as best seen in fig 11), there is a display used to display the information (204), which information could be used as an indication of amount of money that has not been used (as it displays the time paid for, this would be an indication of money not used), a return device is provided for the return of payment corresponding to the parking time not used (col 18, lines 49-51) the central device includes a fee table (706), a time generator for determining the return (722-724), the device is a read-write unit for a card (that which holds the bar code to be scanned), the card can be a "chip card" (col 17, lines 20-25), a code is assigned to the chip card (col 17, lines 22-25), the system is

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read-write (col 23, lines 15-18), the card is recognized by the unit (col 17, lines 25-35) via the code on it (inherently, otherwise, the reader could not tell any cards apart).

As to claim 4, the system includes a keyboard (col 13, lines 11-15) for accepting information.

As to claims 5 and 10, the battery is 528.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6 and 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Fulcher

As to claim 6, the card has a code connecting it to a charge account (inherent in the card is used to pay).

Fulcher does not, however, specifically teach how the code is assigned, however, where the code is assigned is a matter of obvious, engineering design choice and therefore, it would have been obvious to have the central control device assign the codes as it centrally controls the process. Further, Fulcher does not specifically teach that the display displays the amount to be refunded. However, it would have been obvious to one of ordinary skill in the art to have the display the refund amount so the user could see that the proper amount was being refunded.

As to claim 10, the battery is 528.

As to claims 9 and 11, a parking space is selected (802).

Response to Arguments

Applicant's arguments filed 10/6/08 have been fully considered but they are not persuasive. As to arguments in relation to claim objections, that was included as an editing error, the claims were rejected under art. As to arguments in relation to an "indication" of money to be paid back, the term "indication" is very broad and merely having the time paid for would be an "indication" of time owed as it shows how long the ticket is good for and therefore, any time left would be an "indication" of money owed. As to arguments in relation to "touch screens", there must be information displayed or else there would be nothing to "touch" and no options. Not only is the touch screen suited for such a purpose, it is a necessary function of the touch screen as any choices must be based on visible options. As to "read write" as the card is shown to lose value

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as parking is paid for, the unit would be a "read-write" unit. Where the code is assigned is a matter of obvious, engineering design choice and would not render the instant invention patentably distinct. The card inherently needs a code of some sort if only to distinguish it from other cards. As different cards are associated with different accounts, there must be some sort of code to distinguish them. As to arguments in relation to a "credit account" in claim 6, there is no such distinction in the claims between a credit account at a bank or a credit account at the parking system. Further, there is no limitation in claim 6 that states that the system sets up an account, merely that it accesses it. How the refund is processed is also a matter of obvious engineering design choice and would not render the instant invention patentably distinct.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. FISHER whose telephone number is (571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF

5/11/09

/Michael J Fisher/

Examiner, Art Unit 3689